

Appendix E-Comments and Responses on the Draft Environmental Assessment

Comments from Jay Bailey-May 1, 2020

[EXTERNAL] Lake Pueblo Trail Plan

Jay Bailey <debush2@hotmail.com>

Fri 5/1/2020 11:36 AM

To: Stroh, Terence L <TStroh@usbr.gov>

Comment 1

Hi Terry, I have been involve in the effort formalize trails around Lake Pueblo for several years in an effort to control traffic and protect the environment around Lake Pueblo. First I would like to thank everyone involved in the planning process. You guys bring a professionalism to the project that is both appreciated and inspiring. I have read the draft plan and like how through the approach is. It is exactly what is needed going forward due to the increasing use the area is seeing. The canyons and bluffs surrounding the lake are very interesting and beautiful. They also provide for a large area of habitat for flora and fauna. Human use of the land around the lake is important. I recreate on and around Lake Pueblo year around. That said, human usage should not take precedent over nor degrade the environment negatively. Doing so would destroy what is so special about the area.

Comment 2

Since last year I have witnessed an alarming number of new "social trails" being established at Lake Pueblo. These trails are not designed or well thought-out. They are simply paths going places people have decided to walk or ride a bike. Many of them are on steep hill sides where erosion is going to be severe. Unfortunately State Parks and Wildlife at Lake Pueblo has never shown much interest in managing the trails. For years they have declined responsibility for them to me in person and in writing. They allowed Southern Colorado Trail Builders to build most of the trails I talk about. I enjoy the trails and I am glad they are there. My concern is that Southern Colorado Trail Builders are not qualified to design and build sustainable trails. Many of the trails they have built are unsafe and erosion prone. Currently there is minimal signage at trailheads and that signage is ambiguous. I have not seen any attempt to monitor or educate the public about trail usage and the importance of following the few rules that exist. I am not sure when the new Lake Pueblo trail plan will go into effect. I got a notice from Tara Piper regarding the Lake Pueblo plan but the link to view the plan does not work. What I would like to see, and what I think is very important is a commitment by Parks and Wildlife to actively manage the trails around Lake Pueblo with a verifiable management agreement.

Thanks again. We are making progress. The usage of these trails is booming. The number of users is amazing. The trails should be a money maker for the state park.

Jay Bailey

Response 1: Thank you for your comment.

Response 2: Approval and implementation of the Lake Pueblo Trail Management Plan is included in the Proposed Action and will be implemented by CPW once Reclamation issues a Finding of No Significant Impact. A copy of the plan is included as Appendix C.

Comments from Arkansas Valley Audubon-May 1, 2020

[EXTERNAL] Lake Pueblo State Park Resource Mangement Plan EA

Peg Rooney <drpeg12@gmail.com>

Tue 5/5/2020 2:13 PM

To: Stroh, Terence L <TStroh@ustr.gov>

Arkansas Valley Audubon Society (AVAS) represents 500+ members who live near and recreate in Lake Pueblo State Park and the adjoining State Wildlife Areas.

The EA's proposed alternative seems well thought out and reflects the reasons for improvements while keeping birds, other wildlife, rare plants, and the environment in mind.

However, there are some concerns. AVAS is concerned with riparian areas within the project area. Will wildlife concentrate in less-impacted riparian and wetland areas causing degradation of those areas?

The plan states that there will be "disruption/reduction of pollinators." Pollinator populations have suffered losses due to invasive pests, diseases, pesticides, loss of habitat, and climate change. Degradation of high quality habitat is another concern. For example, the loose soil needed by ground-nesting bees may be trampled by hikers, mountain bikes, horses. When large intact parcels of habitat are fragmented by roads/trails, pollinators are adversely affected. Will the plan keep this in mind?

The plan proposes "redevelopment of 9 acres of grasslands... home to black-tailed prairie dogs and burrowing owls." AVAS members have long visited the Park to catch a glimpse of those burrowing owls! Colorado Parks and Wildlife (2018) lists these owls as "a 'species of concern' due to declining numbers and habitat loss. Is there suitable habitat remaining for burrowing owls when these 9 acres are developed?"

There is mention of Pueblo Reservoir being an "Important Bird Area," and the plan states that there will be pre-construction surveys to determine the presence of migrating birds; that there will be no vegetation clearing between 4/15 and 7/15, as well as, seasonal closures. But, there is no mention of buffer zones.

Raptors (Bald and Golden Eagles, Peregrine Falcons, accipiters, etc.) require buffer zones around their nests. The recommended buffer zones are 0.5 miles for eagles; 0.33 miles for peregrines; 0.25 miles for accipiters. CPW (2008) also recommends a year-round buffer zone of 1/4 mile. Will the plan include these buffer zones?

Thanks for the chance to comment.

Dr; Peg Rooney, President
Arkansas Valley Audubon

<https://outlook.office365.com/mail/AAMkADc5MTRkZTEkLWjhOGYwNDcwZS11Y2VlLTQ1ZTY0ZjNlMlA5ZgAuAAAAACN%2BSAWE2YTbhmK88z0GGAQD6G22Rl%2BSqRZrcKetpGLNAAEqXhFT...>

Response 1: Wildlife impacts disclosed in the Draft EA anticipated a loss of up to 0.05 acres of riparian shrubland and 0.1 acres of riparian woodland from new trails in MU2. These losses would offset by implementation of a program for succession planting of cottonwoods which would benefit riparian dependent wildlife.

Response 2: Page 40 of the draft EA identifies "disruption or reduction of pollinator populations" as a possibility under both the No Action and Proposed Action. The State of Colorado has drafted managed pollinator protection plan guidelines. While only draft guidelines, they recommend planting pollinator forage where possible and considering alternatives to pesticide use. In addition, Reclamation developed an integrated pest management plan in 2015 that directs the use of pesticides and other management methods including the RMP Planning Area and encourages the use of pollinator friendly native seed mixes.

Response 3: As stated in the draft EA, the prairie grassland community represents about 54 percent or 11,180 acres of the vegetative types classified within the RMP Planning Area. Page 49 of the draft EA estimates 9 acres of grassland habitat would be permanently impacted by redevelopment of the North Marina Road. Mitigation measures identified in the draft EA are adequate to minimize impacts to burrowing owls. Environmental commitment No. 25 states "Effects on migratory birds will be avoided and minimized during construction, including completing pre-construction surveys and limiting vegetation clearing activities between April 15 and July 15, as appropriate, including seasonal restrictions".

Response 4: See Response 3. Establishing buffer areas during construction activities near active nest vary by species and the currently level of activity around an active nest. Reclamation will establish adequate

Comments from Arkansas Valley Audubon-May 1, 2020

buffer areas for construction if needed in consultation with CPW and the Service. Additional language was added to Environmental Commitment No. 25 in the Final EA that Reclamation and CPW will utilize the 2008 Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors for active nest sites.

Response 5: See Response 4.

Comments from Pueblo County-May 11, 2020

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May 11, 2020

Via U.S. Mail and Email (tsroh@usbr.gov)
Mr. Terence Stroh, Environmental Specialist
Bureau of Reclamation
11056 West County Rd 18E
Loveland, CO 80537

Re: Bureau of Reclamation Resource Management Plan and NEPA Draft Environmental Assessment for Lake Pueblo State Park and the Lake Pueblo Wildlife Area

Dear Mr. Stroh:

Our law firm serves as special counsel to Pueblo County on water rights and related land use and environmental matters. The Bureau of Reclamation has announced the availability of a Draft Environmental Assessment (EA) for public review and comment. This letter is being submitted at the request of the Pueblo County planning staff and the Pueblo County Attorney (collectively Pueblo County) to provide input on the draft EA.

To summarize Pueblo County's comments, the stated purpose of the Resource Management Plan (RMP) is "to establish a ten-year plan to provide decision makers with consistent direction and guidance for successful management of Reclamation lands at Pueblo Reservoir." EA, p. 2. Inexplicably, however, both the draft EA and the proposed RMP categorically exclude any planning efforts to integrate discretionary Reservoir operations with Lake Pueblo State Park management. Also omitted from the EA is an evaluation of anticipated impacts to the Park and associated lands from changing Reservoir operations and an exploration of possible opportunities for mitigation.

In the ensuing years, Reservoir operations will be affected by newly issued long-term storage contracts, increased Southern Delivery System (SDS) pipeline deliveries, new hydropower generation, deliveries and storage into Phase 2 SDS reservoirs, in-Reservoir trades against winter water storage releases, reallocations of Fry-Ark water, and Arkansas Valley Conduit operations. Although certain Reservoir operations may be mandated by law or contract, the RMP should include a collaborative program to identify and implement discretionary adjustments to deliveries and releases that could enhance recreational and environmental benefits to Pueblo Reservoir and the downstream Arkansas River.

Response 1: As stated in the purpose and need for Reclamation's proposed action, the purpose of the RMP is to establish a ten-year plan to provide decision-makers with consistent direction and guidance for successful resource management of Reclamation lands surrounding Pueblo Reservoir. The RMP would also develop and implement resource management goals, objectives, and management actions. CPW manages under and agreement with Reclamation its lands surrounding Pueblo Reservoir. The scope of the RMP does not address reservoir operations as stated in the Draft EA.

See Section 1.4 of the EA which discusses Reclamation's authorization to prepare RMPs to "provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation Project associated with the Reclamation lands. Fry-Ark Project operations are directed by Public Law 87-590, Fry-Ark Project Operating Principles and Operating Criteria, and existing environmental commitments. Adherence with Colorado water law and the Arkansas River compact also guide Pueblo Reservoir operations.

Response 2: Reservoir operations associated with Southern Delivery System, Arkansas Valley Conduit, Master Contract, Fry-Ark Project Temporary Excess Capacity Contracting Program, Pueblo Hydropower, and all other excess capacity contracts have had separate environmental compliance that addresses water storage and releases associated with non-Fry-Ark Project water. In addition, Army Corps of Engineer's Pueblo Flood Manual address reservoir operations.

Comment 1

Comment 2

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Comment 3

The EA was also prepared in order to analyze the potential environmental impacts of the proposed revision to the RMP, and is intended to help decisionmakers determine whether to issue a Finding of No Significant Impact (FONSI) or to proceed with preparation of an Environmental Impact Statement (EIS). EA, pp. 1-2. While Pueblo County does not believe the preparation of an EIS is necessary, the EA itself does not adequately analyze the potential environmental impacts inherent in the Bureau's operation of Pueblo Reservoir in general, and specifically by way of the RMP.

Comment 4

As background, Pueblo Reservoir is a valuable amenity that provides not only important water for municipal and agricultural uses, but also recreational, wildlife and aesthetic benefits to a wide variety of outdoor enthusiasts, and economic benefits to the residents of Pueblo County. The Arkansas River below Pueblo Reservoir is also a valuable amenity and provides many of the same benefits as the Reservoir. The Arkansas River below the dam and downstream through much of the City of Pueblo has become a popular cold water fishery especially, attracting anglers during the winter months. The Pueblo Whitewater Park encompasses a half-mile stretch of the Arkansas River near downtown Pueblo and has become a popular recreational outlet for local residents and visitors. The Legacy Project, a combined federal and local effort, has created improvements in the Arkansas River channel through Pueblo and helped turn a once-abused river into an asset, with features such as the Historic Arkansas Riverwalk of Pueblo, a 32-acre urban waterfront experience which returned the river to its historic location and revitalized a segment of the downtown Pueblo area. These features are supported by the Pueblo Flow Management Program (PFMP), created under intergovernmental agreements whereby water users temporarily reduce their water exchanges to allow more water to flow in the Arkansas River through Pueblo to preserve flows downstream of Pueblo Reservoir for fisheries and recreation enhancement.

Comment 5

Pueblo County provided comments on the Bureau's preparation of the RMP in 2014 in response to the Bureau's request for public input. Pueblo County's main comment was that the Bureau ensure that future operations in the RMP prepare for and adapt to reduced and changing lake levels, river flows, and water quality caused by new water projects, and that such impacts be rigorously considered in the EA. In particular, Pueblo County requested that the Bureau consider the impacts concomitant with the operation of the Southern Delivery System (SDS), the City of Aurora's long-term storage contract, the Master Storage Contract sponsored by the Southern Colorado Water Conservancy District, and the Arkansas Valley Conduit (AVC). Pueblo County further requested that the RMP be promulgated and implemented in order to optimize water storage and deliveries while maximizing recreational, wildlife and other uses of Pueblo Reservoir, and to manage releases from the Lake to provide water at times when it will have the most benefit for downstream recreational and outdoor uses.

Comment 6

Specific examples of mechanisms that should be considered in the RMP and examined in the EA were previously provided in Pueblo County's 2014 comments, and which are provided verbatim in Items 1 through 5 below:

1. Storage Pool for Low-Flow Releases. Establishment of an additional reserve storage pool in Lake Pueblo for the release of water during times of low flow in the Arkansas River. The 1041 permit issued by Pueblo County for the SDS included a provision

Response 3: Changes in Pueblo Reservoir operations are not part of the Proposed Action and out of scope for this analysis. See Response 1.

Response 4: Reclamation agrees that Pueblo Reservoir and Arkansas River provide multiple benefits to the resident of Pueblo County. Reclamation has been supportive of cooperative efforts to maximize benefits and minimize impacts association with Fry-Ark Project operations. Reclamation participates in the Voluntary Flow Management Program and has incorporated operational environmental commitments associated with Southern Delivery System, Arkansas Valley Conduit, Master Contract, Pueblo Hydropower Project, and the Fry-Ark Temporary Excess Capacity Contracting Program. Proposed RMP does not replace or modify these existing commitments.

Comment 5: See Comment 4.

Comment 6: Please refer to the Southern Delivery System Final Environmental Impact Statement and Record of Decision. Reservoir operations are outside to scope of this analysis. Regarding the item 2-Lake Level Management Plan, Colorado Spring Utilities committed in its Southern Delivery System 1041 permit to "...voluntarily participate, when and if Southeastern, Reclamation, and any other affected parties agree to participate in developing a reservoir management plan for Pueblo Reservoir...". We are not aware of a Reclamation or Southeast commitment to develop a Pueblo Reservoir Management Plan and as previously mentioned reservoir operations are outside the scope of this EA.

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whereby Colorado Springs Utilities and the Pueblo Water Board agreed to release up to 3,000 acre-feet of water into the Arkansas River below Pueblo Reservoir during times when the flow would otherwise fall below 50 cfs. The Bureau had previously included a commitment to establishing a reserve pool in Lake Pueblo or upstream storage facilities to mitigate impacts of the AVC and Master Contract federal actions, but has apparently backed away from that commitment. The Lake Pueblo RMP should include such a reserve pool maintained by the sponsor and beneficiaries of the Master Contract and AVC, as well as Aurora and other recipients of long-term contracts for storage of non-Fry Ark Project water.

2. Lake Level Management Plan. Establishment of a plan to manage storage levels in Lake Pueblo. In paragraph 16 of its 1041 permit for the SDS, Colorado Springs Utilities committed to “voluntarily participate, when and if the Southeastern Colorado Water Conservancy District, the Bureau of Reclamation, and any other affected party agree to participate, in developing a reservoir management plan for Pueblo Reservoir designed to protect reservoir levels and recreational opportunities on Pueblo Reservoir to the extent feasible given the potential for future changes in hydrology and water demands by project beneficiaries.” The RMP provides an opportunity for the Bureau to join Colorado Springs Utilities in this effort and to engage the support of the Southeastern Colorado Water Conservancy District in developing a lake level management plan.
3. Fish and Wildlife Plan. Promulgation of a Fish and Wildlife Plan that optimizes aquatic life and wildlife enhancement in Lake Pueblo and in the Arkansas River downstream of the Lake.
4. Recreation Plan. Promulgation of a Recreation Plan that optimizes recreational opportunities in Lake Pueblo and in the Arkansas River downstream.
5. Pueblo Flow Management Program. Implementation of PFMP. A purpose of the PFMP is to maintain target flows downstream of Pueblo Reservoir. These target flows protect fisheries, riparian habitat, and water quality downstream of Lake Pueblo. The RMP should include mechanisms that provide for storage and operation of Lake Pueblo by all water users in a manner that will meet the target flows created under the PFMP.

With respect to Items 3 and 4, the EA discusses certain impacts to fish and wildlife, and to recreation. Pueblo County has not specifically analyzed the sufficiency of the EA in addressing impacts in these areas, and will rely on the Colorado Division of Parks and Wildlife to consider the sufficiency of the EA in these resource areas.

With respect to Items 1 and 2, the EA does not consider, much less mention, a reserve storage pool in Pueblo Reservoir. The EA also does not address the cooperative effort suggested by Pueblo County in implementing a lake level management plan, despite the acknowledgment that “[r]eservoir fluctuations and high-water elevations could result in temporary recreation facility closures,” which “would result in temporary, negative impacts to visitor access and enjoyment of the area.” EA, p. 66.

Comment 7: A reserve storage pool in Pueblo Reservoir is outside the scope for this analysis. The RMP focuses on activities associated with land and recreation resource associated with Reclamation lands managed by CPW as Lake Pueblo State Park and Pueblo Reservoir State Wildlife Area.

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Comment 8

With respect to Item 5, the EA indicates that “[p]rotection of water quality in the reservoir, tributary drainages, and the Arkansas River from land use and management practices in the RMP Planning Area” is one of the key natural resource management issues that should be considered by the Bureau. EA, pp. 8-9. Nonetheless, the PFMP is not mentioned in the EA, nor is there any analysis regarding impacts of Reservoir operation on the PFMP. The only mention of flow targets made in the EA is as a tangent to the provision of water to the Pueblo State Fish Hatchery, where the EA states that the return flows from which “play an import role in meeting downstream Arkansas River flow targets below Pueblo Dam during low flow periods.” EA, p. 29. Moreover, while the EA commits to enhancing the quality of the fishery in Pueblo Reservoir and the Arkansas River, the “objectives” under which such protection is to be accomplished are merely aspirational and not concrete commitments. *See e.g.* EA Appendix B, p. B-5. At a minimum, the mitigation measures and environmental commitments outlined in Section 4.16.2 of the EA should include mechanisms that provide for storage and operation of Pueblo Reservoir by all water users in a manner that will meet the target flows created under the PFMP.

Comment 9

The National Environmental Policy Act (NEPA) requires that federal agencies prepare an EIS for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(2)(C). As noted above, agencies may prepare an EA to document consideration of all relevant matters, and must provide sufficient evidence for determining whether to prepare an EIS or issue a FONSI. 40 C.F.R. § 1508.9. The EA must discuss the need for the proposal, alternatives, environmental impacts, and a listing of agencies and persons consulted. *Id.* The agency may implement the proposed action if the EA establishes that the project will not have a significant impact on the human environment. 42 U.S.C. § 4332(2)(C). In so doing, NEPA requires an agency to consider reasonable alternatives to the proposed action, and to take a “hard look” at the environmental consequences of the decision. *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 97 (1983).

Comment 10

As indicated, Pueblo County will leave issues regarding wildlife and recreation to consideration by the Colorado Division of Parks and Wildlife. The EA does not, however, address the remaining issues, concerns and opportunities raised by Pueblo County in its 2014 comments, or the opportunities discussed herein to establish a collaborative program to make deliveries and releases to enhance recreational and environmental benefits. The actions ultimately taken by the Bureau related to these issues are likely to have a significant impact on the human environment. Moreover, the failure to consider them in the EA raises serious concerns as to whether the Bureau took a hard look in the EA at the environmental consequences of its proposed action.

Comment 11

Pueblo County understands the challenges required in balancing the need to manage a reservoir to provide water while protecting water quality, fisheries, wildlife, and the socio-economic needs of downstream communities. The County also, however, encourages the Bureau to recognize the opportunities presented to it and other State and local agencies in maximizing the benefits of that joint effort. Accordingly, Pueblo County requests that the Bureau re-examine the County’s 2014 requests, and its comments herein, in light of the need to balance the needs of

Response 8: Reservoir operations are out of scope. The EA properly analyzes water quality impacts associated with implementing the Proposed Action (RMP) and No Action Alternatives (1981 Plan). Please see previous responses.

Response 9: Reclamation defined the Purpose and Need for the Proposed Action as “*The purpose of the RMP is to establish a ten-year plan to provide decision-makers with consistent direction and guidance for successful resource management of Reclamation lands surrounding Pueblo Reservoir. The RMP would also develop and implement resource management goals, objectives, and management actions.*” Reclamation and CPW have taken a hard look at land and recreation management alternatives of Reclamation lands adjacent to Pueblo Reservoir through the RMP process. Reservoir operations are outside the scope of the No Action and Proposed Action.

Comment 10: The EA adequately analyzes the effects of current reservoir operations under the Proposed Action and No Action alternatives for effects on the human environment. Reservoir operational changes as those proposed for the Southern Delivery System, Arkansas Valley Conduit, Master Contract, and other excess capacity contracts analyzed and disclosed in NEPA documents for associated impacts to Pueblo Reservoir and downstream resources. Environmental commitment and mitigation measures were incorporated into Record of Decisions for those projects.

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all those impacted by the Bureau's decisions and actions in Pueblo Reservoir and downstream of it.

Thank you for the opportunity to provide comments on the RMP and EA.

Sincerely,

/s/ Thomas W. Korver

Thomas W. Korver

Comments from Goodnight Barn Historic Preservation Inc.-May 11, 2020

[EXTERNAL] Lake Pueblo Plan

Laurel Campbell <laurelcampbell67@gmail.com>

Mon 5/11/2020 11:20 AM

To: Stroh, Terence L <TStroh@usbr.gov>; Bill Zwick <wjzwick@msn.com>; Linda Crawford <lcrawford51@gmail.com>; Cindy Robinson <7196713110@vzwpiis.com>; Calvin Smith <legacymuseumcmm09@gmail.com>

Dear Mr. Stroh,

I am the president and chair of Goodnight Barn Historic Preservation, Inc. Hopefully, you are familiar with this historic 1871 stone barn that sits on 1.5 acres near the Chain of Lakes. The 1.5 acres and the barn are owned by the City of Pueblo. The barn is under a 1.2 million dollar renovation that will be complete in a week or two.

Comment 1

During the last round of comments there were several people that commented on the practical coalition of the barn, the lakes, walking trails in the area, etc. Those comments were never considered and the lack of imagination on the part of CPW was appalling.

The barn will be a huge western history destination in the next few years and will, if you please think about it, draw even more people to the fishing area. Our plan is to bring the area around the barn back to what was indigenously there in the way of plants from that historic era. We do have a right of way use of the road into the barn area and the rest is under an easement held by the Pueblo County Historical Society.

Future plans are for motor coaches, western history buffs and families on vacation to stop and see the barn. There are also plans in the works for the Pueblo Filming industry to court producers of western films to use the barn since it is authentic to the 1870s.

The turn in to the lake parking lot would be an ideal entry to the Lake Pueblo State Park, bringing in more funding.

The Barn 501 c 3 will maintain an historical area that would not disturb any other portion of that area.

Please reconsider this suggestion as it has a lot of merit.

Laurel Campbell
President
Goodnight Barn Historic Preservation, Inc.
719-250-9435

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Happy Trails!

Response 1: The properties adjacent to the Goodnight Barn called the Chain of Lake (commonly referred to as Valco Ponds) are owned and managed by the State of Colorado and are not addressed in Reclamation's RMP. The closest Reclamation-owned lands managed as Lake Pueblo State Park are about 0.7 miles west of the Goodnight Barn. Comments regarding management of the Valco Ponds area should be directed to CPW.

Comments from City of Pueblo-May 11, 2020

[EXTERNAL] Re: Lake Pueblo Plan

BILL ZWICK <wjzwick@msn.com>

Mon 5/11/2020 12:02 PM

To: Laurel Campbell <laurelcampbell67@gmail.com>; Stroh, Terence L <TStroh@usbr.gov>; Linda Crawford <lcrawford51@gmail.com>; Cindy Robinson <7196713110@vzwpx.com>; Calvin Smith <legacymuseumcrm09@gmail.com>

Laurel,

I fully support your plan and hope the State Park can one day partner and support your plan as well.

Bill Zwick
City of Pueblo

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Response 1: Thank you for your comment.

Comment 1

Comments from Larry Fancher-May 10, 2020

Only six years later has anything come forth and it is a joke. You failed in your job yet have been getting paid well. This document is fit for the trash can that your gang of civil servant deadbeats but together.

On Monday, April 20, 2020, 09:17:51 AM MDT, Piper, Tara S <tpiper@usbr.gov> wrote:

Hello,

Please see the attached news release that Reclamation is sending out to the local media and interested parties. It provides a link to review the draft Lake Pueblo State Park and Pueblo Reservoir State Wildlife Area Environmental Assessment for the Pueblo Reservoir Resource Management Plan. You are getting this email since you provided comments from the first public comment period. Written comments for this second comment period are due by May 11, 2020 and should be sent to Terry Stroh at tstroh@usbr.gov

Thank You,

Tara Piper
Natural Resource Specialist
Eastern Colorado Area Office
U.S. Bureau of Reclamation



BUREAU OF RECLAMATION
11056 West County Road 18E
Loveland, CO 80537
Phone: (970) 461-5481
E-mail: tpiper@usbr.gov

From: larry fancher <leadtwi@yahoo.com>
Sent: Sunday, May 10, 2020 6:45 PM
To: Piper, Tara S <TPIPER@usbr.gov>
Subject: [EXTERNAL] Re: Lake pueblo resource mgmt plan

From: larry fancher <leadtwi@yahoo.com>
Sent: Tuesday, January 21, 2014 6:21 AM
To: Piper, Tara S <TPIPER@usbr.gov>; cwoodka@chieftain.com <cwoodka@chieftain.com>; ewilkins@pueblo.us <ewilkins@pueblo.us>
Subject: Lake pueblo resource mgmt plan

Dear Ms. Tripper:

So glad to see Pueblo Chieftain article of this date concerning management plan for Lake Pueblo State Park. ADA all the way needs to be top of the list in my opinion.

At the top of the hill, on Hwy 96, past the south entrance to the Lake with the orange gate entrance for public use, there needs to be a better parking situation. Also an access point for people with disabilities including wheelchairs. There is an existing dirt road that one accesses past the gate that could be graded and made accessible for wheelchairs out to the overlook of the lake to the north of the gate. There are numerous parks facilities built after 1976 that are not handicapped accessible. The entire facility, Lake Pueblo, needs evaluated for ADA needs to become current with existing law that has been long on the books and yet not respected. City of Pueblo Parks also need ADA improvements such as handicapped access for the fishing deck in City Park pond built after 1976. I am pleased to see you taking action after my contact with you some months back. That is the type of leadership City Pueblo needs in order to find solutions surrounding ADA needs for the population and yet the City and the Lake are one and the same, co-mingled.

As to the mess that volunteers are making with trails they have constructed without Federal guideline compliance needs very close examination. Parks has stood by while these illegal trails have been made without any concern of the environmental impact use has created. Water bars for example have not been placed and so erosion has become the norm. Wind erosion and water erosion is rutting and making unstable footpaths. Those with lag problems need better trails for use than now existing.

Not to take away from the good efforts of the trail builders, who can be admired, yet they do not know how to make trails that will sustain use and weather impacts.

City of Pueblo hypes tourism and yet that means in the city which is near sighted and lacks future planning that includes the wonderful aspects that lake Pueblo provides to make tourism a viable part of the tourism draw. Thatcher Avenue from Pueblo Blvd west to the city limits looks like some hick setting and or a third world road and this is on a Scenic Byway. Again City Pueblo, Latino Chamber of Commerce and the Greater Pueblo Chamber of Commerce have all three not been part of a real and valid tourism plan coordinated with the Lake. One person told me that the stretch mentioned should be renamed as Dramamine alley, take one before you drive down the section to keep from vomiting.

In essence this is a problem for both the lake and the city if increased use and respect for the ADA is given due consideration. The City has been under the gun from a US Dept of Justice OCR agreement signed in 2004 rather than the city be taken to court for violations as seen under the ADA, Section 504 1973 Rehab Act as extended by numerous court decisions and amendments by congress.

I would ask that the City of Pueblo as well as the State Parks Dept and the County of Pueblo come together to create an consortium of care and intent to improve upon the many transgressions against people with disabilities. Failure to fix these issues means the best course until a viable plan comes forth is to close the lake to Public use until numerous issues are addressed. These issues jump out to meet the eye of one looking when a visit is made to the lake.

As an advocate of record in many filings of complaint, ADA, against the City of Pueblo, the County of Pueblo and other entities too numerous to name without boring you, I would like to be part of the solution by being placed in partnership with you in your

Response: There are no constructive comments to address in the email. Mr. Fancher's 2014 comments were previously considered and addressed during the development of the RMP and Trail Management Plan.

Comments from Larry Fancher-May 10, 2020

efforts to come up with a plan of value for the future use of the Lake. You may contact the Justice Dept OCR and access case DJ 204-13-269 to understand the indifferent attitude of City Pueblo towards the ADA that caused the agreement to come in place and yet not fully respected by the City of Pueblo.

I believe that if the parties cannot come together for a larger plan then the the facility should be closed to use by the public until all needed changes are in place. This would include boating as the Marinas are not ADA accessible. Obvious to me is that the protected class people under the ADA are being offended and have been offended. Your enforcement of the law is essential if the rights of these people in need of protection are honored. As I informed you in past I have filed years back against Pueblo Board of Water

for ADA issues with the Bureau of Reclamation and is a matter of record which you can also access and see how indifferent this recipient of Public funds was relating to people with disabilities and in that case a Disabled Vietnam Vet. who had his water shut off several days before Thanksgiving as the rascals could not wait until the first of the mont for payment. Very callus and nasty people and arrogant at that who had to change there superficial attitudes towards people with disabilities. The local newspaper would not publish findings at that time against the Board.

I may comment again, not easy to do in the City as retaliation is the by word if one stands up for those with disabilities as I have come to experience numerous times. Closing the Lake to public use is at this time a matter needed and yet we must try to work with callus and indifferent public officials and public servants who are flippant when confronted about the ADA, Section 504.

Your continued support and efforts in these matters are appreciated by all those with disabilities who will never know of your devotion to making the lake a better place for ALL CITIZENS to use.

Respectfully yours,

Larry Fancher

[EXTERNAL] Lake Pueblo Trail Plan

Jay Bailey <debush2@hotmail.com>

Fri 5/1/2020 11:36 AM

To: Stroh, Terence L <TStroh@usbr.gov>

Hi Terry. I have been involve in the effort formalize trails around Lake Pueblo for several years in an effort to control traffic and protect the environment around Lake Pueblo. First I would like to thank everyone involved in the planning process. You guys bring a professionalism to the project that is both appreciated and inspiring. I have read the draft plan and like how through the approach is. It is exactly what is needed going forward due to the increasing use the area is seeing. The canyons and bluffs surrounding the lake are very interesting and beautiful. They also provide for a large area of habitat for flora and fauna. Human use of the land around the lake is important. I recreate on and around Lake Pueblo year around. That said, human usage should not take precedent over nor degrade the environment negatively. Doing so would destroy what is so special about the area.

Since last year I have witnessed an alarming number of new “social trails” being established at Lake Pueblo. These trails are not designed or well thought-out. They are simply paths going places people have decided to walk or ride a bike. Many of them are on steep hill sides where erosion is going to be severe. Unfortunately State Parks and Wildlife at Lake Pueblo has never shown much interest in managing the trails. For years they have declined responsibility for them to me in person and in writing. They allowed Southern Colorado Trail Builders to build most of the trails I talk about. I enjoy the trails and I am glad they are there. My concern is that Southern Colorado Trail Builders are not qualified to design and build sustainable trails. Many of the trails they have built are unsafe and erosion prone. Currently there is minimal signage at trailheads and that signage is ambiguous. I have not seen any attempt to monitor or educate the public about trail usage and the importance of following the few rules that exist. I am not sure when the new Lake Pueblo trail plan will go into effect. I got a notice from Tara Piper regarding the Lake Pueblo plan but the link to view the plan does not work. What I would like to see, and what I think is very important is a commitment by Parks and Wildlife to actively manage the trails around Lake Pueblo with a verifiable management agreement.

Thanks again. We are making progress. The usage of these trails is booming. The number of users is amazing. The trails should be a money maker for the state park.

Jay Bailey

[EXTERNAL] Lake Pueblo State Park Resource Mangement Plan EA

Peg Rooney <drpeg12@gmail.com>

Tue 5/5/2020 2:13 PM

To: Stroh, Terence L <TStroh@usbr.gov>

Arkansas Valley Audubon Society (AVAS) represents 500+ members who live near and recreate in Lake Pueblo State Park and the adjoining State Wildlife Areas.

The EA's proposed alternative seems well thought out and reflects the reasons for improvements while keeping birds, other wildlife, rare plants, and the environment in mind.

However, there are some concerns. AVAS is concerned with riparian areas within the project area. Will wildlife concentrate in less-impacted riparian and wetland areas causing degradation of those areas?

The plan states that there will be "disruption/reduction of pollinators." Pollinator populations have suffered losses due to invasive pests, diseases, pesticides, loss of habitat, and climate change. Degradation of high quality habiitat is another concern. For example, the loose soil needed by ground-nesting bees may be trampled by hikers, mountain bilkes, horses. When large intact parcels of habitat are fragmented by roads/trails, pollinators are adversely affected. Will the plan keep this in mind?

The plan proposes "redevelopment of 9 acres of grasslands... home to black-tailed prairie dogs and burrowing owls." AVAS members have long visited the Park to catch a glimpse of those burrowing owls! Colorado Parks and Wildlife (2018) lists these owls as "a 'species of concern' due to declining numbers and habitat loss. Is there suitable habitat remaining for burrowing owls when these 9 acres are developed?

There is mention of Pueblo Reservoir being an "Important Bird Area," and the plan states that there will be pre-construction surveys to determine the presence of migrating birds; that there will be no vegetation clearing between 4/15 and 7/15, as well as, seasonal closures. But, there is no mention of buffer zones.

Raptors (Bald and Golden Eagles, Peregrine Falcons, accipiters, etc.) require buffer zones around their nests. The recommended buffer zones are 0.5 miles for eagles; 0.33 miles for peregrines; 0.25 miles for accipiters. CPW (2008) also recommends a year-round buffer zone of 1/4 mile. Will the plan include these buffer zones?

Thanks for the chance to comment.

Dr; Peg Rooney, President
Arkansas Valley Audubon

PETROS & WHITE LLC
ATTORNEYS AT LAW

1999 BROADWAY, SUITE 3200
DENVER, COLORADO 80202

TELEPHONE (303) 825-1980

FACSIMILE (303) 825-1983

May 11, 2020

Via U.S. Mail and Email (tstroh@usbr.gov)
Mr. Terence Stroh, Environmental Specialist
Bureau of Reclamation
11056 West County Rd 18E
Loveland, CO 80537

Re: Bureau of Reclamation Resource Management Plan and NEPA Draft Environmental Assessment for Lake Pueblo State Park and the Lake Pueblo Wildlife Area

Dear Mr. Stroh:

Our law firm serves as special counsel to Pueblo County on water rights and related land use and environmental matters. The Bureau of Reclamation has announced the availability of a Draft Environmental Assessment (EA) for public review and comment. This letter is being submitted at the request of the Pueblo County planning staff and the Pueblo County Attorney (collectively Pueblo County) to provide input on the draft EA.

To summarize Pueblo County's comments, the stated purpose of the Resource Management Plan (RMP) is "to establish a ten-year plan to provide decision makers with consistent direction and guidance for successful management of Reclamation lands at Pueblo Reservoir." EA, p. 2. Inexplicably, however, both the draft EA and the proposed RMP categorically exclude any planning efforts to integrate discretionary Reservoir operations with Lake Pueblo State Park management. Also omitted from the EA is an evaluation of anticipated impacts to the Park and associated lands from changing Reservoir operations and an exploration of possible opportunities for mitigation.

In the ensuing years, Reservoir operations will be affected by newly issued long-term storage contracts, increased Southern Delivery System (SDS) pipeline deliveries, new hydropower generation, deliveries and storage into Phase 2 SDS reservoirs, in-Reservoir trades against winter water storage releases, reallocations of Fry-Ark water, and Arkansas Valley Conduit operations. Although certain Reservoir operations may be mandated by law or contract, the RMP should include a collaborative program to identify and implement discretionary adjustments to deliveries and releases that could enhance recreational and environmental benefits to Pueblo Reservoir and the downstream Arkansas River.

The EA was also prepared in order to analyze the potential environmental impacts of the proposed revision to the RMP, and is intended to help decisionmakers determine whether to issue a Finding of No Significant Impact (FONSI) or to proceed with preparation of an Environmental Impact Statement (EIS). EA, pp. 1-2. While Pueblo County does not believe the preparation of an EIS is necessary, the EA itself does not adequately analyze the potential environmental impacts inherent in the Bureau's operation of Pueblo Reservoir in general, and specifically by way of the RMP.

As background, Pueblo Reservoir is a valuable amenity that provides not only important water for municipal and agricultural uses, but also recreational, wildlife and aesthetic benefits to a wide variety of outdoor enthusiasts, and economic benefits to the residents of Pueblo County. The Arkansas River below Pueblo Reservoir is also a valuable amenity and provides many of the same benefits as the Reservoir. The Arkansas River below the dam and downstream through much of the City of Pueblo has become a popular cold water fishery especially, attracting anglers during the winter months. The Pueblo Whitewater Park encompasses a half-mile stretch of the Arkansas River near downtown Pueblo and has become a popular recreational outlet for local residents and visitors. The Legacy Project, a combined federal and local effort, has created improvements in the Arkansas River channel through Pueblo and helped turn a once-abused river into an asset, with features such as the Historic Arkansas Riverwalk of Pueblo, a 32-acre urban waterfront experience which returned the river to its historic location and revitalized a segment of the downtown Pueblo area. These features are supported by the Pueblo Flow Management Program (PFMP), created under intergovernmental agreements whereby water users temporarily reduce their water exchanges to allow more water to flow in the Arkansas River through Pueblo to preserve flows downstream of Pueblo Reservoir for fisheries and recreation enhancement.

Pueblo County provided comments on the Bureau's preparation of the RMP in 2014 in response to the Bureau's request for public input. Pueblo County's main comment was that the Bureau ensure that future operations in the RMP prepare for and adapt to reduced and changing lake levels, river flows, and water quality caused by new water projects, and that such impacts be rigorously considered in the EA. In particular, Pueblo County requested that the Bureau consider the impacts concomitant with the operation of the Southern Delivery System (SDS), the City of Aurora's long-term storage contract, the Master Storage Contract sponsored by the Southern Colorado Water Conservancy District, and the Arkansas Valley Conduit (AVC). Pueblo County further requested that the RMP be promulgated and implemented in order to optimize water storage and deliveries while maximizing recreational, wildlife and other uses of Pueblo Reservoir, and to manage releases from the Lake to provide water at times when it will have the most benefit for downstream recreational and outdoor uses.

Specific examples of mechanisms that should be considered in the RMP and examined in the EA were previously provided in Pueblo County's 2014 comments, and which are provided verbatim in Items 1 through 5 below:

1. Storage Pool for Low-Flow Releases. Establishment of an additional reserve storage pool in Lake Pueblo for the release of water during times of low flow in the Arkansas River. The 1041 permit issued by Pueblo County for the SDS included a provision

whereby Colorado Springs Utilities and the Pueblo Water Board agreed to release up to 3,000 acre-feet of water into the Arkansas River below Pueblo Reservoir during times when the flow would otherwise fall below 50 cfs. The Bureau had previously included a commitment to establishing a reserve pool in Lake Pueblo or upstream storage facilities to mitigate impacts of the AVC and Master Contract federal actions, but has apparently backed away from that commitment. The Lake Pueblo RMP should include such a reserve pool maintained by the sponsor and beneficiaries of the Master Contract and AVC, as well as Aurora and other recipients of long-term contracts for storage of non-Fry Ark Project water.

2. Lake Level Management Plan. Establishment of a plan to manage storage levels in Lake Pueblo. In paragraph 16 of its 1041 permit for the SDS, Colorado Springs Utilities committed to “voluntarily participate, when and if the Southeastern Colorado Water Conservancy District, the Bureau of Reclamation, and any other affected party agree to participate, in developing a reservoir management plan for Pueblo Reservoir designed to protect reservoir levels and recreational opportunities on Pueblo Reservoir to the extent feasible given the potential for future changes in hydrology and water demands by project beneficiaries.” The RMP provides an opportunity for the Bureau to join Colorado Springs Utilities in this effort and to engage the support of the Southeastern Colorado Water Conservancy District in developing a lake level management plan.
3. Fish and Wildlife Plan. Promulgation of a Fish and Wildlife Plan that optimizes aquatic life and wildlife enhancement in Lake Pueblo and in the Arkansas River downstream of the Lake.
4. Recreation Plan. Promulgation of a Recreation Plan that optimizes recreational opportunities in Lake Pueblo and in the Arkansas River downstream.
5. Pueblo Flow Management Program. Implementation of PFMP. A purpose of the PFMP is to maintain target flows downstream of Pueblo Reservoir. These target flows protect fisheries, riparian habitat, and water quality downstream of Lake Pueblo. The RMP should include mechanisms that provide for storage and operation of Lake Pueblo by all water users in a manner that will meet the target flows created under the PFMP.

With respect to Items 3 and 4, the EA discusses certain impacts to fish and wildlife, and to recreation. Pueblo County has not specifically analyzed the sufficiency of the EA in addressing impacts in these areas, and will rely on the Colorado Division of Parks and Wildlife to consider the sufficiency of the EA in these resource areas.

With respect to Items 1 and 2, the EA does not consider, much less mention, a reserve storage pool in Pueblo Reservoir. The EA also does not address the cooperative effort suggested by Pueblo County in implementing a lake level management plan, despite the acknowledgment that “[r]eservoir fluctuations and high-water elevations could result in temporary recreation facility closures,” which “would result in temporary, negative impacts to visitor access and enjoyment of the area.” EA, p. 66.

With respect to Item 5, the EA indicates that “[p]rotection of water quality in the reservoir, tributary drainages, and the Arkansas River from land use and management practices in the RMP Planning Area” is one of the key natural resource management issues that should be considered by the Bureau. EA, pp. 8-9. Nonetheless, the PFMP is not mentioned in the EA, nor is there any analysis regarding impacts of Reservoir operation on the PFMP. The only mention of flow targets made in the EA is as a tangent to the provision of water to the Pueblo State Fish Hatchery, where the EA states that the return flows from which “play an import role in meeting downstream Arkansas River flow targets below Pueblo Dam during low flow periods.” EA. p. 29. Moreover, while the EA commits to enhancing the quality of the fishery in Pueblo Reservoir and the Arkansas River, the “objectives” under which such protection is to be accomplished are merely aspirational and not concrete commitments. *See e.g.* EA Appendix B, p. B-5. At a minimum, the mitigation measures and environmental commitments outlined in Section 4.16.2 of the EA should include mechanisms that provide for storage and operation of Pueblo Reservoir by all water users in a manner that will meet the target flows created under the PFMP.

The National Environmental Policy Act (NEPA) requires that federal agencies prepare an EIS for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(2)(C). As noted above, agencies may prepare an EA to document consideration of all relevant matters, and must provide sufficient evidence for determining whether to prepare an EIS or issue a FONSI. 40 C.F.R. § 1508.9. The EA must discuss the need for the proposal, alternatives, environmental impacts, and a listing of agencies and persons consulted. *Id.* The agency may implement the proposed action if the EA establishes that the project will not have a significant impact on the human environment. 42 U.S.C. § 4332(2)(C). In so doing, NEPA requires an agency to consider reasonable alternatives to the proposed action, and to take a “hard look” at the environmental consequences of the decision. *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 97 (1983).

As indicated, Pueblo County will leave issues regarding wildlife and recreation to consideration by the Colorado Division of Parks and Wildlife. The EA does not, however, address the remaining issues, concerns and opportunities raised by Pueblo County in its 2014 comments, or the opportunities discussed herein to establish a collaborative program to make deliveries and releases to enhance recreational and environmental benefits. The actions ultimately taken by the Bureau related to these issues are likely to have a significant impact on the human environment. Moreover, the failure to consider them in the EA raises serious concerns as to whether the Bureau took a hard look in the EA at the environmental consequences of its proposed action.

Pueblo County understands the challenges required in balancing the need to manage a reservoir to provide water while protecting water quality, fisheries, wildlife, and the socio-economic needs of downstream communities. The County also, however, encourages the Bureau to recognize the opportunities presented to it and other State and local agencies in maximizing the benefits of that joint effort. Accordingly, Pueblo County requests that the Bureau re-examine the County’s 2014 requests, and its comments herein, in light of the need to balance the needs of

Mr. Terence Stroh
May 11, 2020
Page 5

all those impacted by the Bureau's decisions and actions in Pueblo Reservoir and downstream of it.

Thank you for the opportunity to provide comments on the RMP and EA.

Sincerely,

/s/ Thomas W. Korver

Thomas W. Korver

[EXTERNAL] Lake Pueblo Plan

Laurel Campbell <laurelcampbell67@gmail.com>

Mon 5/11/2020 11:20 AM

To: Stroh, Terence L <TStroh@usbr.gov>; Bill Zwick <wjzwick@msn.com>; Linda Crawford <lcrawford51@gmail.com>; Cindy Robinson <7196713110@vzwpix.com>; Calvin Smith <legacymuseumc09@gmail.com>

Dear Mr. Stroh,

I am the president and chair of Goodnight Barn Historic Preservation, Inc. Hopefully, you are familiar with this historic 1871 stone barn that sits on 1.5 acres near the Chain of Lakes. The 1.5 acres and the barn are owned by the City of Pueblo. The barn is under a 1.2 million dollar renovation that will be complete in a week or two.

During the last round of comments there were several people that commented on the practical coalition of the barn, the lakes, walking trails in the area, etc. Those comments were never considered and the lack of imagination on the part of CPW was appalling.

The barn will be a huge western history destination in the next few years and will, if you please think about it, draw even more people to the fishing area. Our plan is to bring the area around the barn back to what was indigenously there in the way of plants from that historic era. We do have a right of way use of the road into the barn area and the rest is under an easement held by the Pueblo County Historical Society.

Future plans are for motor coaches, western history buffs and families on vacation to stop and see the barn. There are also plans in the works for the Pueblo Filming industry to court producers of western films to use the barn since it is authentic to the 1870s.

The turn in to the lake parking lot would be an ideal entry to the Lake Pueblo State Park, bringing in more funding.

The Barn 501 c 3 will maintain an historical area that would not disturb any other portion of that area.

Please reconsider this suggestion as it has a lot of merit.

Laurel Campbell
President
Goodnight Barn Historic Preservation, Inc.
719-250-9435

--

Happy Trails!

Laurel

"She was warned. She was given an explanation. Nevertheless, she persisted."

"Well behaved women seldom make history."

[EXTERNAL] Re: Lake Pueblo Plan

BILL ZWICK <wjzwick@msn.com>

Mon 5/11/2020 12:02 PM

To: Laurel Campbell <laurelcampbell67@gmail.com>; Stroh, Terence L <TStroh@usbr.gov>; Linda Crawford <lcrawford51@gmail.com>; Cindy Robinson <7196713110@vzwpix.com>; Calvin Smith <legacymuseumcrm09@gmail.com>

Laurel,

I fully support your plan and hope the State Park can one day partner and support your plan as well.

Bill Zwick
City of Pueblo

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From: Laurel Campbell <laurelcampbell67@gmail.com>**Sent:** Monday, May 11, 2020 11:19:49 AM**To:** tstroh@usbr.gov <tstroh@usbr.gov>; Bill Zwick <wjzwick@msn.com>; Linda Crawford <lcrawford51@gmail.com>; Cindy Robinson <7196713110@vzwpix.com>; Calvin Smith <legacymuseumcrm09@gmail.com>**Subject:** Lake Pueblo Plan

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Fw: [EXTERNAL] Re: Lake pueblo resource mgmt plan

Piper, Tara S <TPIPER@usbr.gov>

Mon 5/11/2020 7:44 AM

To: Harger, Laura T <LHarger@usbr.gov>; Stroh, Terence L <TStroh@usbr.gov> 1 attachments (171 KB)

PuebloRMP_NewRelease_April 17_2020.pdf;

Terry and Laura,

Our friend Larry sent in his comment. Today is the last day to accept public comments.

Thanks,

Tara PiperNatural Resource Specialist
Eastern Colorado Area Office
U.S. Bureau of Reclamation— BUREAU OF —
RECLAMATION11056 West County Road 18E
Loveland, CO 80537
Phone: (970) 461-5481
E-mail: tpiper@usbr.gov

From: larry fancher <leadtwi@yahoo.com>**Sent:** Sunday, May 10, 2020 6:45 PM**To:** Piper, Tara S <TPIPER@usbr.gov>**Subject:** [EXTERNAL] Re: Lake pueblo resource mgmt plan

Only six years later has anything come forth and it is a joke. You failed in your job yet have been getting paid well. This document is fit for the trash can that your gang of civil servant deadbeats but together.

On Monday, April 20, 2020, 09:17:51 AM MDT, Piper, Tara S <tpiper@usbr.gov> wrote:

Hello,

Please see the attached news release that Reclamation is sending out to the local media and interested parties. It provides a link to review the draft Lake Pueblo State Park and Pueblo Reservoir State Wildlife Area Environmental Assessment for the Pueblo Reservoir Resource Management Plan. You are getting this email since you provided comments from the first public comment period. Written comments for this second comment period are due by May 11, 2020 and should be sent to Terry Stroh at tstroh@usbr.gov

Thank You,

Tara Piper
Natural Resource Specialist
Eastern Colorado Area Office
U.S. Bureau of Reclamation



— BUREAU OF —
RECLAMATION

11056 West County Road 18E
Loveland, CO 80537
Phone: (970) 461-5481
E-mail: tpiper@usbr.gov

From: larry fancher <leadtwi@yahoo.com>
Sent: Tuesday, January 21, 2014 6:21 AM
To: Piper, Tara S <TPIPER@usbr.gov>; cwoodka@chieftain.com <cwoodka@chieftain.com>; ewilkins@pueblo.us <ewilkins@pueblo.us>
Subject: Lake pueblo resource mgmt plan

Dear Ms. Tripper:

So glad to see Pueblo Chieftain article of this date concerning management plan for Lake Pueblo State Park. ADA all the way needs to be top of the list in my opinion.

At the top of the hill, on Hwy 96, past the south entrance to the Lake with the orange gate entrance for public use, there needs to be a better parking situation. Also an access point for people with disabilities including wheelchairs. There is an existing dirt road that one accesses past the gate that could be graded and made accessible for wheelchairs out to the overlook of the lake to the north of the gate. There are numerous parks facilities built after 1976 that are not handicapped accessible. The entire facility, Lake Pueblo, needs evaluated for ADA needs to become current with existing law that has been long on the books and yet not respected. City of Pueblo Parks also need ADA improvements such as handicapped access for the fishing deck in City Park pond built after 1976. I am pleased to see you taking action after my contact with you some months back. That is the type of leadership City Pueblo needs in order to find solutions surrounding ADA needs for the population and yet the City and the Lake are one and the same, co-mingled.

As to the mess that volunteers are making with trails they have constructed without Federal guideline compliance needs very close examination. Parks has stood by while these illegal trails have been made without any concern of the environmental impact use has created. Water bars for example have not been placed and so erosion has become the norm. Wind erosion and water erosion is rutting and making unstable footpaths. Those with lag problems need better trails for use than now existing.

Not to take away from the good efforts of the trail builders, who can be admired, yet they do not know how to make trails that will sustain use and weather impacts.

City of Pueblo hypes tourism and yet that means in the city which is near sighted and lacks future planning that includes the wonderful aspects that lake Pueblo provides to make tourism a viable part of the tourism draw. Thatcher Avenue from Pueblo Blvd west to the city limits looks like some hick setting and or a third world road and this is on a Scenic Byway. Again City Pueblo, Latino Chamber of Commerce and the Greater Pueblo Chamber of Commerce have all three not been part of a real and valid tourism plan coordinated with the Lake. One person told me that the stretch mentioned should be renamed as Dramamine alley, take one before you drive down the section to keep from vomiting.

In essence this is a problem for both the lake and the city if increased use and respect for the ADA is given due consideration. The City has been under the gun from a US Dept of Justice OCR agreement signed in 2004 rather than the city be taken to court for violations as seen under the ADA, Section 504 1973 Rehab Act as extended by numerous court decisions and amendments by congress.

I would ask that the City of Pueblo as well as the State Parks Dept and the County of Pueblo come together to create an consortium of care and intent to improve upon the many transgressions against people with disabilities. failure to fix these issues means the best course until a viable plan comes forth is to close the lake to Public use until numerous issues are addressed. These issues jump out to meet the eye of one looking when a visit is made to the lake.

As an advocate of record in many filings of complaint, ADA, against the City of Pueblo, the County of Pueblo and other entities too numerous to name without boring you, I would like to be part of the solution by being placed in partnership with you in your

efforts to come up with a plan of value for the future use of the Lake. You may contact the Justice Dept OCR and access case DJ 204-13-269 to understand the indifferent attitude of City Pueblo towards the ADA that caused the agreement to come in place and yet not fully respected by the City of Pueblo.

I believe that if the parties cannot come together for a larger plan then the the facility should be closed to use by the public until all needed changes are in place. This would include boating as the Marinas are not ADA accessible. Obvious to me is that the protected class people under the ADA are being offended and have been offended. Your enforcement of the law is essential if the rights of these people in need of protection are honored. As I informed you in past I have filed years back agaisnt Pueblo Board of Water

for ADA issues with the Bureau of Reclamation and is a matter of record which you can also access and see how indifferent this recipient of Public funds was relating to people with disabilities and in that case a Disabled Vietnam Vet. who had his water shut off several days before Thanksgiving as the rascals could not wait until the first of the mont for payment. Very callus and nasty people and arrogant at that who had to change there superficial attitudes towards people with disabilities. The local newspaper would not publish findings at that time against the Board.

I may comment again, not easy to do in the City as retaliation is the by word if one stands up for those with disabilities as I have come to experiance numerous times. Closing the Lake to public use is at this time a matter needed and yet we must try to work with callus and indifferent public officials and public servants who are flippant when confronted about the ADA, Section 504.

Your continued support and efforts in these matters are appreicated by all those with disabilities who will never know of your devotion to making the lake a better place for ALL CITIZENS to use.

Respectfully yours,

Larry Fancher

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